

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEPHEN D. COMSTOCK,

Petitioner,

vs.

STEFANIE HUMPHRIES, *et al.*,

Respondents.

3:10-cv-00147-LRH-RAM

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner's motion for appointment of counsel that was submitted with the pleadings, which is considered in connection with initial review under Rule 4 of the Rules Governing Section 2254 Cases. The filing fee has been paid.

The Court will appoint counsel out of an abundance of caution, in light of the potential complexity of the procedural and merits issues that may be presented, the presence of a potentially substantial claim or claims, the lengthy 10 to 25 year habitual criminal sentence (starting in late 2003) as compared with petitioner's approximate current age of 50, and the possibility that time remains in the federal one-year limitation period.

IT THEREFORE IS ORDERED that the Clerk of Court shall file the petition.

IT FURTHER IS ORDERED that the Clerk shall file the motion for appointment of counsel accompanying the petition, that the motion is GRANTED, and that the Clerk shall show on the docket sheet that the motion is granted by this order. The counsel appointed will represent petitioner in all federal proceedings related to this matter, including any appeals or *certiorari* proceedings, unless allowed to withdraw.

1 IT FURTHER IS ORDERED that, taking into account the possible time remaining in the federal
2 limitation period, the Federal Public Defender for the District of Nevada shall have **fifteen (15) days**
3 to undertake direct representation of petitioner or to indicate to the Court her office's inability to
4 represent petitioner in these proceedings. If the Federal Public Defender is unable to represent
5 petitioner, the Court then shall appoint alternate counsel. A deadline for the filing of an amended
6 petition will be set after counsel has filed a notice of appearance, in the order confirming the specific
7 appointment. The Court anticipates setting the deadline, subject to request for extension, for **July 15,**
8 **2010**, taking into account the possible time remaining in the limitation period, absent tolling.

9 IT FURTHER IS ORDERED that the Clerk of Court shall add Attorney General Catherine
10 Cortez Masto as counsel for respondents and shall make informal electronic service of this order upon
11 respondents by directing a notice of electronic filing to her office. **Respondents' counsel shall enter**
12 **a notice of appearance herein within ten (10) days of entry of this order, but no further response**
13 **shall be required from respondents until further order of the Court.**

14 The Clerk of Court shall send a copy of this order to the *pro se* petitioner, the Attorney General
15 (in the manner described above), the Federal Public Defender, and the CJA Coordinator for this
16 Division.

17 DATED this 4th day of May, 2010.



20
21 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE